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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 Wendy Justiz,  
11 Plaintiff,  
12 v.  
13 Virgin American Airlines,  
14 Defendant.

Case No.: 2:13-cv-145-JAD-GWF

**Order Dismissing Action**


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16 Plaintiff Wendy Justiz filed an application for leave to proceed *in forma pauperis* on  
17 January 28, 2013. Her complaint was dismissed without prejudice for failing to exhaust her  
18 administrative remedies, and she was instructed to file an amended complaint with her right-  
19 to-sue letter to cure that defect by May 14, 2013. *See* Doc. 2. Plaintiff instead filed an  
20 Addendum to Complaint (Doc. 5 - “Addendum”) on April 8, 2013, simply attaching her  
21 right-to-sue letter from the Equal Employment Opportunity Commission (“EEOC”). On the  
22 Addendum, she inquired whether the Addendum was sufficient in lieu of an amended  
23 complaint.

24 Unfortunately, the Court did not perceive Plaintiff’s request and did not respond to her  
25 inquiry; when the Court caught the inquiry, it informed Justiz on March 17, 2014, that an  
26 amended complaint would be required and ordered Justiz to file a proper amended complaint  
27 by April 16, 2014, attaching her right-to-sue letter. Doc. 7. The Court indicated that it would  
28 grant the amended complaint *nunc pro tunc* to the date of the initial filing if Justiz filed it by

1 April 16, 2014. *See id.* Justiz has not filed an amended complaint; in fact, she has not filed  
2 anything in this case in more than a year.

3 As Plaintiff has been twice ordered to file an amended complaint to revive her  
4 already-dismissed claims and she has failed to do so, it is **HEREBY ORDERED** that this  
5 case is dismissed without prejudice.

6 DATED: May 13, 2014.

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9 JENNIFER A. DORSEY  
10 UNITED STATES DISTRICT JUDGE  
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